

REMARKS

This application has been reviewed in light of the Office Action dated January 26, 2005.

Claims 1, 10, and 19 have been amended. Claims 1-25 are pending in the application. No new matter has been added. The Examiner's reconsideration of the rejections in view of the following remarks is respectfully requested.

By the Office Action, claims 1-8, 10-17 and 19-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,308,062 to Chien et al. (hereinafter "Chien") and U.S. Patent No. 5,191,593 to McDonald et al. (hereinafter "McDonald") in view of U.S. Patent No. 5,950,130 to Coursey (hereinafter "Coursey"). Claims 9, 18 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chien and McDonald in view of Coursey and further in view of U.S. Patent No. 6,198,925 to Lee et al. (hereinafter Lee).

The Applicant respectfully asserts that none of the cited references teach or suggest "a **base unit comprising ... an interface for directly interfacing** with an external computer", as now recited in independent Claim 1.

The Applicant respectfully asserts that none of the cited references teach or suggest "**directly interfacing** with an external computer via **an interface of the base unit**", as now recited in independent Claim 10.

The Applicant respectfully asserts that none of the cited references teach or suggest "the **base unit comprising ... an interface for directly interfacing** with an external computer", as now recited in independent Claim 19.

In contrast, Chien utilizes a radio fixed part 20, which is a completely separate entity from the base stations (cradles) disclosed in Chien (see, e.g., Chien, FIG. 1). Chien

collectively refers to a base station/cradle and a single handset corresponding to that base station/cradle as a portable device 15 (see, e.g., Chien, FIG. 1, and col. 2, lines 38-46). Figure 1 of Chien illustrates the system of his invention, namely, “a wireless telephony system enabling the interconnection of a personal computer (PC) 10 to a plurality of portable devices 15. Interconnection between the personal computer 10 and portable devices 15 is accomplished via a radio-fixed part (RFP) 20 and universal serial bus (USB) 25” (Chien, col. 2, lines 39-46). “The personal computer interfaces with the radio-fixed part 20 via a universal serial bus 25 or other type of high speed serial bus such as IEEE1394” (Chien, col. 2, lines 59-61).

Thus, the physical structure of the system of Chien differs from that claimed in Claims 1, 10, and 19 in that in Chien, an intermediate element, separate from the base unit, is required to interface the base units with a computer, while the present invention as claimed recites a base unit having an interface for directly interfacing with a computer.

Moreover, the Applicant respectfully asserts that none of the cited references teach or suggest “the external computer being/is responsive to system conditions such that a system setting is automatically changed by the external computer based on the system conditions”, as recited in independent Claims 1, 10, and 19.

Accordingly, the Applicant agrees with the Examiner that Chien and McDonald do **NOT** disclose a method wherein based on the system condition a system setting is automatically changed by the external computer.

However, the Applicant respectfully disagrees with the use of Coursey in the pending rejection, as Coursey is non-analogous art. For example, in *Wang Laboratories, Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (FED. Cir 1993), “patent claims were directed to single in-line memory modules (SIMMs) for installation on a printed circuit motherboard for use

in personal computers. Reference to a SIMM for an industrial controller was not necessarily in the same field of endeavor as the claimed subject matter merely because it related to memories. Reference was found to be in a different field of endeavor because it involved memory circuits in which modules of varying sizes may be added or replaced, whereas the claimed invention involved compact modular memories. Furthermore, since memory modules of the claims at issue were intended for personal computers and used dynamic random-access memories, whereas reference SIMM was developed for use in large industrial machine controllers and only taught the use of static random access-memories or read-only-memories, the finding that the reference was non-analogous was supported by substantial evidence” (MPEP, §2141.01(a)).

Accordingly, with respect to the instant application, the reference Coursey is directed to a mobile station with intelligent roaming and over-the-air programming features (Coursey, Title). Thus, Coursey relates to a mobile cellular network with a cellular base station. A base station in a cellular network is not equivalent to a base unit in a wireless telephone system such as that claimed, and shown and described in the Applicant’s specification. For example, the physical operation of the two are quite different as a base station for a cellular network must deal with wireless transmission problems (multipath, fading), power issues, and so forth that are not present or as significant in a wireless telephone system as that claimed, and shown and described in the Applicant’s specification.

Accordingly, system conditions are not the same in a cellular system having a base station verses a wireless telephone system having a base unit as claimed in Claims 1, 10, and 19. For example, Coursey discloses that “a mobile station 168 receives SAL information via a centralized or master SAL database 192 that has one or more slave SAL database arrangements”, (Coursey, col. 33, lines 8-12), wherein “SAL” denotes a “system access list”. “The master SAL

192 may comprise a computer or workstation with memory, and a database application for storing all of the **SAL information and OTHER intelligent roaming information**” (Coursey, col. 33, lines 16-22). Thus, the system information updated in the mobile station in Coursey relates to **intelligent roaming information**, a function (roaming) not needed and, thus, not performed, by a wireless telephone system of the type claimed, and shown and described in the Applicant’s specification. Accordingly, it is respectfully asserted that the use of Coursey in the pending rejection is improper, as the references cannot be combined since Coursey is non-analogous art different in structure and function with respect to the present invention as claimed in Claims 1, 10, and 19.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). In the instant application, none of the cited references, either taken singly or in any combination, teach or suggest all of the limitations of Claim 1, 10, and 19. Accordingly, Claims 1, 10, and 19 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

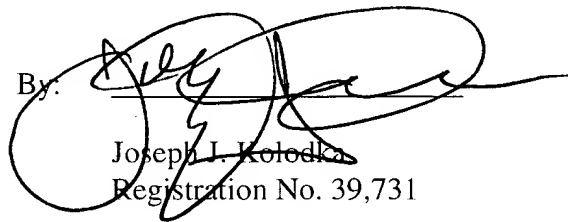
“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Claims 2-9, 11-18, and 20-25 depend from Claims 1, 10, and 10, respectively and, thus, include all the limitations of Claims 1, 10, and 19, respectively. Accordingly, Claims 2-9, 11-18, and 20-25 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claims 1, 10, and 19, respectively. Reconsideration of the rejections is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Joseph L. Kolodka", is written over a horizontal line. The signature is stylized and cursive.

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